

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 43-45, 48 and 50-52 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Orcutt et al. in view of Martin et al.; Claim 47 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Orcutt et al. in view of Martin et al. and further in view of Lin et al. and Claims 46, 49 and 53-56 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Considering first then the Examiner's rejection of Claims 43-45, 48 and 50-52 under 35 U.S.C. §103(a) as being unpatentable over Orcutt et al. in view of Martin et al., it is to be noted that Claim 43 has now been amended to include the limitation of at least one contact pad and at least one sensitive element connected to said at least one contact pad by an electrical connection, said sensitive element, said contact pad and said electrical connection forming an assembly, said assembly comprising a first layer insulated from a substrate by an insulator layer, said assembly including at least one trench in the first layer and said assembly being covered by a package cap. In this regard, Applicants note that Orcutt et al. teaches a microstructure comprising a sensitive element 112 embodied in a first layer located on a substrate 111. A contact pad 113a is connected to the sensitive element 112 through an electrical connection 113. However, the contact pad 113a and the electrical connection 113 are not located in the first layer, i.e., the layer of the sensitive element. Applicants also note that the contact pad and the electrical connection are metal (see column 4, lines 37-41) and the sensitive element 112 comprises a semiconductor material.

In Orcutt et al., the trench dug in the first layer cannot be seen. Instead, such reference merely teaches a gap located between the edge of the sensitive element and the

glass bonding 114 used for bonding the package cap to the substrate. The gap corresponds to the cavity delimited by the package cap. If a trench was present in this reference, the two sides of the trench would be located in the first layer material. Applicants' further note that in Orcutt et al., one side of the gap is made of glass and the other comprises a semiconductor material. Furthermore, no insulator layer is taught as being provided between the substrate and the assembly formed by the sensitive element, the contact pad and the electrical connection.

In Martin et al., an insulator layer 12 is inserted between the substrate 12 and aluminum conductors 20, 20'. Therefore, upon combining the teachings of Orcutt et al. with the teachings of Martin et al., a person skilled in the art would not obtain Applicants' claimed microstructure because the resulting assembly would still not be located in a single layer and a layer in the trench would not be present, as presently claimed. In view of the foregoing, it is submitted that Claim 43 as now amended clearly patentably defines over the above-noted references as well as the remaining references of record. In view of the dependency of Claims 44-56 either directly or indirectly upon Claim 43, it is also submitted that such dependent claims also merit indication of allowability.

Next considering then the rejection of Claim 47 under 35 U.S.C. §103 as being unpatentable over Orcutt et al. in view of Martin et al. and further in view of Lin et al., it is respectfully submitted that Lin et al. fails to rectify the deficiencies noted hereinabove with regard to Orcutt et al. and Martin et al. with respect to independent Claim 43. Accordingly, it is submitted that Claim 47 also merits indication of allowability and the same is hereby respectfully requested.

The Examiner's indication of allowable subject matter in Claims 46, 49 and 53-56 is hereby acknowledged and is sincerely appreciated.

In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

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